

### **REMARKS**

Reconsideration and allowance of the subject are respectfully requested. Claims 1-11, 21, 31, and 32 are pending, claims 1-11 and 21 being independent. In this reply, applicants have amended claims 1-11 and 21, and have added new dependent claims 31 and 32.

#### **Rejection Under 35 U.S.C. §101**

Claim 21 stands rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As set forth on page 2 of the Office Action, the Examiner rejects claim 21 under 35 U.S.C. §101 by noting that claim 21 is directed to a computer program. In this reply, applicants have amended independent claim 21 to specify that the claim is directed to a computer readable medium storing a computer program containing instructions that, when executed on a computer, cause the computer to perform a particular method (recited in the body of claim 21). As such, applicants respectfully submit that claim 21 is directed to statutory subject matter and request that the rejection under 35 U.S.C. §101 be reconsidered and withdrawn.

#### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 3 and 6 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As set forth on pages 2-3 of the Office Action, the Examiner asserts that claims 3 and 6 are indefinite because the term “a buffer device” lacks sufficient antecedent basis. In this reply, applicants have amended claims 3 and 6 to specify that the plurality of buffer devices include a first buffer device and a second buffer device, thereby clarifying the claimed aspect of claims 3 and 6 noted by the Examiner.

In view of the above, applicant respectfully requests reconsideration and withdrawal of the Examiner’s rejection under 35 U.S.C. § 112, second paragraph.

### **Prior Art Rejection**

Claims 1-11 and 21 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by Goldman et al. (U.S. Patent 7,051,351). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Independent claim 1 is directed to an information delivery system. The system of claim 1 comprises: a server device connected to at least one terminal device via a buffer device, wherein the server device delivers to the terminal device via the buffer device dynamic image information that is temporally continuous and includes a plurality of unit information elements, the unit information elements being formed by dividing the dynamic image information into time spans. The buffer device includes: a receiving unit which receives the unit information elements from the server device; a delivery destination information storage unit which stores delivery destination information that relates to a destination of a delivery of each delivery destination; an additional information storage unit for storing additional information that is to be added to one or more of the unit information elements; a transmission information creation unit that, based on the delivery destination information stored in the delivery destination information storage unit as well as unit attribute information that relates to time spans and attributes of the unit information elements received by the receiving unit, creates transmission information that instructs that the additional information stored in the additional information storage unit is to be added to one or more of the unit information elements received by the receiving unit and then transmitted; and a transmitting unit that, based on the transmission information created by the transmission information creation unit, adds the additional information stored in the additional information storage unit to one or more of the unit information elements received by the receiving unit and transmits the resulting unit information elements to the terminal device.

The Examiner asserts on page 4 of the Office Action that Goldman discloses an information delivery system having a remote server 216 (asserted as corresponding to the claimed "server device") delivering information to a client system 210 (asserted as corresponding to the claimed "terminal device") via an internet service provider (ISP) 260 (asserted as corresponding to the "buffer device" of claim 1). The client system 210 is also connected to a television programming source 222 so as to display a broadcast television

program feed to a display device 220. Thus, the client system 210 is able to browse the internet via the ISP 260 and separately receive and display broadcast television programming via the television programming source 222.

The client system 210 includes a television monitoring module 252 for monitoring television programming accessed by the user to generate a user profile 254, which is used to select advertisements for insertion to "internet documents" from the remote server 216 via the ISP 260. See e.g., column 10, line 52 - column 11, line3.

Applicants note, however, that this user profile-based advertising system of Goldman does not operate as the information delivery system as claimed, in which a buffer receives unit information elements formed by dividing dynamic image information into time spans and includes, *inter alia*, a transmission information creation unit that, based on unit attribute information that relates to time spans and attributes of such unit information elements received from the server device, instructs that additional information stored in an additional information storage unit be added to one or more of the unit information elements.

According to MPEP § 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

At least in view of the above, applicants respectfully submit that Goldman fails to anticipate claim 1 or any claim depending therefrom. Furthermore, applicants respectfully submit that independent claims 2, 3, 11, and 21 define over Goldman based on reasoning similar to that set forth above with respect to claim 1.

Independent claim 4 is directed to an information delivery system in which a buffer device receives unit information elements from a server device, such unit information elements being formed by dividing dynamic image information into time spans. The buffer device in the information delivery system of claim 4 includes a transmission information creation unit that, based on unit attribute information that relates to time spans and attributes of the received unit

information elements, creates transmission information that instructs that "link information" be added to one or more of the unit information elements received from the server device, such link information forming a link to additional information to be added to one or more of the unit information elements.

Applicants submit that the user profile-based advertising system of Goldman fails to utilize a buffer device (allegedly the ISP in the system of Goldman) that creates such instructions based on attribute information relating to time spans of unit information elements formed by dividing dynamic information into time spans. At least for this reason, applicants respectfully submit that Goldman fails to anticipate claim 4. Furthermore, applicants respectfully submit that claims 5 and 6 define over Goldman based on reasoning similar to that set forth with regard to independent claim 4.

Claim 7 is specific to an information delivery system in which a buffer device includes a priority degree information creation unit that creates priority information for information unit elements based on delivery destination information, unit attribute information that relates to time spans, significant level data corresponding to the unit information elements and attributes of the unit information elements received from a server device. This priority degree information is used to control transmission of unit information elements to a terminal device.

Applicants respectfully submit that Goldman fails to teach or suggest such a priority degree information creation unit. Therefore, applicants respectfully submit that Goldman fails to anticipate claim 7, and further submit that claims 8, 9, and 10 define over Goldman based on similar reasoning.

In view of the above, applicants respectfully request reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 102.

### **Conclusion**

Pursuant to the provisions of 37 C.F.R. § 1.17 and § 1.136(a), Applicant hereby petitions for an extension of three (3) months in which to file a response to the outstanding Office Action. The required fee of \$1020.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 12, 2006

Respectfully submitted,

By 

D. Richard Anderson  
Registration No.: 40,439  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant